

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masaru TAKAGI et al.

Title: GENE AND PEPTIDE FOR
TRANSCRIPTIONAL
REPRESSOR

Appl. No.: Unassigned

Filing Date: Concurrently Herewith

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

RELEVANCE OF EACH DOCUMENT

Document Nos. A1, A2, A3 and A7 listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the examiner. An English-language counterpart of the foreign-language documents has not been provided. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP §609).

The relevance of Document Nos. A4 and A5 are described in the present specification. An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

DT09 Rec'd P TO 28 JUN 2004

Atty. Dkt. No. 081356-0219

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even entirely missing, the Commissioner is authorized to charge the unpaid amount to
Deposit Account No. 19-0741.

Respectfully submitted,

Date 28 June 2004

By

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Substitute for form 1449B/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

Date Submitted: June 25, 2004

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number **PT09 Rec'd PCT/PTO 28 JUN 2004**

Filing Date Concurrently herewith

First Named Inventor Masaru TAKAGI

Group Art Unit Unassigned

Examiner Name Unassigned

Attorney Docket Number 081356-0219

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| | | Number | Kind Code ² (if known) | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|--|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| | A1 | JP | 20011269176 | | National Institute of Advanced Industrial Science & Technology | 10/2/2001 | | |
| | A2 | JP | 2001292777 | | National Institute of Advanced Industrial Science & Technology | 10/23/2001 | | |
| | A3 | JP | 2001269178 | | National Institute of Advanced Industrial Science & Technology | 10/02/2002 | | |
| | A4 | JP | 20011269177 | | National Institute of Advanced Industrial Science & Technology | 10/02/2001 | | |
| | A5 | JP | 2001269179 | | National Institute of Advanced Industrial Science & Technology | 10/02/2001 | | |
| | A6 | JP | 2001292776 | | National Institute of Advanced Industrial Science & Technology | 10/23/2001 | | |
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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
|--------------------|-----------------------|---|----------------|
| | A7 | Masaru OHTA et al., Repression Domains of Class II ERF Transcriptional Repressors Share an Essential Motif for Active Repression, The Plant Cell, Vol. 13, 1959-1968, August 2001, www.plantcell.org@2001 American Society of Plant Biologists. | |

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.